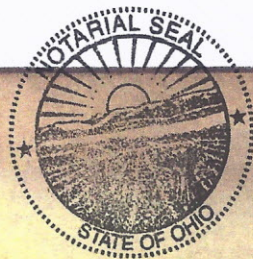
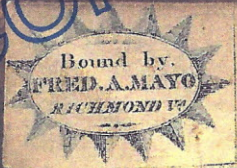


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The Revised Code

OF THE

LAWS OF VIRGINIA :

BEING

A COLLECTION OF ALL SUCH ACTS

OF THE

GENERAL ASSEMBLY,

OF A PUBLIC AND PERMANENT NATURE, AS ARE NOW IN FORCE ;

WITH A GENERAL INDEX.

TO WHICH ARE PREFIXED,

THE CONSTITUTION OF THE UNITED STATES ;

THE DECLARATION OF RIGHTS ;

AND

THE CONSTITUTION OF VIRGINIA.

Published pursuant to an act of the General Assembly, entitled "An act providing for the re-publication of the Laws of this Commonwealth," passed March 12, 1819.

VOLUME I.

RICHMOND :

PRINTED BY THOMAS RITCHIE,
PRINTER TO THE COMMONWEALTH.

1819.

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PREFACE.

THE Legislature having been pleased to direct, that the present publication of the laws should be made under my immediate superintendency, I thought myself hardly at liberty to decline this public service, however laborious and incompatible with my other avocations. The Code is now presented to the public, in as perfect a form, as the exertion of my best judgment and utmost industry, (aided by two very competent assistants, Mr. *Hening* and Mr. *Munford*,) could accomplish.

It has occurred to me, that a concise explanation of the plan of the edition may answer a good purpose.

I have, in obedience to the directions of the Legislature, prescribed the order, in which the several laws should be published in the Code, classing them, without regard to their dates, according to their subject matter, as far as it was practicable so to class them, and at the same time preserve each statute entire. The provisions of some of the laws are in themselves miscellaneous; for example, the act for *arranging the counties into districts for the election of Senators*, and for *equalizing the land tax*. The classification is, therefore, in some measure, unavoidably imperfect. In order to facilitate the use of the Code, I have placed running titles over the several laws, and prefixed a table to the first volume, shewing, in a very small compass, the contents and arrangement of the whole Code.

THIS novel order of publication rendered it impossible to designate the year of the Commonwealth, at the top of the page, as in all the other publications of our laws since the revolution. Loath to deviate from the custom of dating all public acts from the epoch of our independence, (a custom grateful to public feeling, and, in my opinion, of real utility,) I have placed the year, of the foundation of the republic, as well as the year of our Lord, in the side margin.

MINUTE and accurate references have been made, with much pains, to the original acts from which the particular provisions of the revised acts have been compiled; and references are also made, (from the titles,) to all former general laws relating to the same subjects;

and, in both cases, the editions, or sessions acts, in which the original or former acts are to be found, are carefully cited. I have also added references, (in the side margin,) to the English statutes *in pari materia*.

IN regard to most of the important provisions of the laws, especially those affecting the rights of property, I have made an essay to give, in the notes, such a concise history of our statute law, (from very early periods, often from the first institution of the colonial legislature,) as may serve all general purposes, and assist more minute and particular investigations.

SUCH of the amendments made at the late revision, as consist in new provisions, are distinguished by being printed within single inverted commas. But very many of the amendments consist in the substitution of new for old provisions; in the striking out of former provisions altogether; and in alterations of the language of former laws, very slight at first view, but often very important in effect: these also are noted, and explanations of them attempted, where they could be made without a too prolix annotation.

WHEREVER I found that the Legislature struck out any provision reported by the revisors, in a revised bill reducing into one act all former acts on the subject, and omitted to insert it in any other act, I have considered the provision so struck out, as intentionally rejected and repealed. I have, therefore, omitted all such rejected provisions.

IT is proper to mention, that, in the interpretation I have given (and have followed in the publication) to one very material provision of the act by authority of which this edition is published, I am not sure, that I have not gone beyond the legislative intention in one respect, and stooped short of it in another: I mean the provision, which directs the publication of "the several other acts, not therein enumerated, concerning the entering, surveying, and acquiring title to lands, the property of the Commonwealth." In the first place, as all laws relating to the acquisition, in any manner, of titles to any lands, the property of the Commonwealth, fall within the general description of the provision; and as, in truth, all laws falling within that description, according to the most liberal interpretation of it, are equally proper to be preserved in a Code which may readily be consulted; I have concluded, that not only the series of laws relating to grants of waste and unappropriated lands, but of such as relate to grants of escheated and forfeited lands, and to sales of lands by revenue officers for taxes, ought to be inserted in this Code. In the next place, I have concluded, that only the series of land-laws enacted since the foundation of the

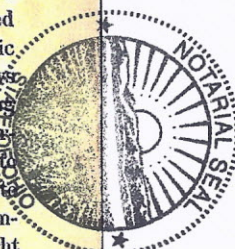
Commonwealth, are required to be published; because the laws described are those only that relate to lands the property of the Commonwealth; and because the insertion of the land-laws passed before the revolution, would swell the edition far beyond the limits of two octavo volumes, the form of publication prescribed by the act. I have therefore published, in three copious appendices, the series of land-laws passed since the revolution, the series of laws relating to escheated or forfeited lands, and the series of laws relating to forfeitures and sales of lands for taxes: and to make amends for my mistake of the intention of the Legislature, (if I have made a mistake,) in omitting the land-laws passed before the revolution, I have prefixed to the series of land-laws which I have inserted, references to all the land-laws passed before the revision of 1705, and summaries of those passed at that revision, and thenceforth to the revolution.

IN general, I have endeavoured to supply whatever I myself have regarded, or heard others mention, as *desiderata* in other editions. Nothing has been inserted and nothing excluded, without my own careful examination. It was allowed me to divide the labor, but not the responsibility. The provision that repeals all acts of a general nature, which shall not be published in this Code, either entire or by their titles, pursuant to the directions of the act concerning the publication, has been continually present to my mind. I am sensible of the danger, as well as of the honor, of the confidence thus reposed in me. For my own credit, and yet more from a sense of public duty, I have laboured, most assiduously, to collect all the public laws now in force; weighing with due deliberation, those concerning which there could be a doubt, whether they were repealed or superseded by subsequent laws or not; and always prudently inclining to insert, rather than to exclude. Nevertheless, I may have fallen into errors of judgment: and, in the dispatch which was requisite to complete the publication within the time prescribed, some laws that ought to have been inserted, may have escaped me, and therefore be omitted. They are very few, I hope, and very inconsiderable; and if, at any time, I shall discover such omissions, I will not fail to bring them, in a proper manner, to the notice of the Legislature.

B. W. LEIGH.

Richmond, 1819.

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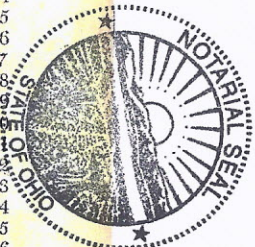
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Appendix I.

XXV. SERIES OF LAND LAWS; including all the laws concerning the grant of waste and unappropriated lands, passed since the revolution; with a preface, containing references to the land laws, passed before the revision of 1705, and summaries of the several land laws passed at that revision, and thenceforth to the revolution,

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V.

Should it be discovered that any acts, which ought to be inserted in the body of the code, are omitted in their proper place, they will be published in another,

VI.



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I, Benjamin Watkins Leigh, appointed by the act of Assembly, providing for the re-publication of the Laws of this Commonwealth, passed March 12, 1819, superintendent of the said publication, do hereby certify, that the Laws printed in this first volume, have been carefully examined, and that (with the exception of the errors noted in the table of errata,) I find them correctly printed.

B. W. LEIGH.

Richmond, 1819.



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ERRATA.

- Page 64, § 5, line 18, for *Lackland*, read *Markland*.
 68, § 1, line 7, before word *be*, read *for remedy whereof*.
 116, § 69, line 9, for *of the fines*, read *of all the fines*.
 181, § 3, line 10, for *proceed to all*, read *proceed to do all*.
 203, § 61, last word, for *according*, read *accordingly*.
 220, line 24, before the word *general*, read *judges of the*.
 225, c. 68, § 1, line 3, after *Harrison*, read *Wood*.
 272, § 19, line 2, before *to inspect*, read *freely*.
 277, § 5, line 2, before *required*, read *empowered and*.
 314, § 8, line 43, after "for serving an attachment on the body," read
 63 instead of 53 cents.
 325, § 13, line 8, for *next neighbouring*, read *next or neighbouring*.
 336, line 3, for *land lies*, read *lands lie*.
 376, § 3, line 12, for *he or she have*, read *he or she shall have*.
 373, § 16, lines 5 and 6, for *in one*, read *in any one*.
 416, line 1, for *one*, read *the*.
 438, § 67, line 7, omit word *free*, at the end of the line.
 466, c. 119, § 1, line 10, between the words *patent*, *grant*, read *or*.
 479, line 8, (from bottom,) for *attained*, read *obtained*.
 543, § 1, line 8, after *under-sheriff*, read *serjeant*.
 599, line 12, omit word *any*, at the beginning of the line.

WHEREAS, in the ninth section of the act entitled "An act, to reduce into one, the several acts, for the better securing the payments of rents, and preventing the fraudulent practices of tenants, and to regulate the practice of suing out and prosecuting writs of replevin," which passed on the twelfth of January, in the year eighteen hundred and eighteen, and in the fourth section of the act entitled "An act to reduce into one act, the several acts and parts of acts, for establishing a penitentiary house, and for the punishment of crimes," which passed on the sixth day of March, in the year eighteen hundred and nineteen, mistakes have occurred, which might create some doubt in the interpretation of the said acts: for remedy whereof—

Be it enacted, by the General Assembly, That whenever any landlord or lessor, or his agent, shall desire to sue out the process of attachment, provided for by the said ninth section, the oath required thereby shall be dispensed with, provided that such landlord, lessor, or agent, shall make oath or affirmation what rent the tenant is to pay, at what time the same will be due, and that he has just cause to suspect, and verily believes, that such tenant will remove his or her effects from the leased tenement before the time of payment; and, thereupon, the said landlord, lessor, or agent, shall be entitled to such attachment in the same manner as if he had made the oath required by the said ninth section.

Be it further enacted, That every person duly convicted of the crime of murder, in the second degree, or of the crime of robbery or burglary, or as accessory thereto before the fact, or of simple larceny to the value of four dollars and upwards, or as accessory thereto before the fact, shall be punished by confinement, in the public jail and penitentiary house, in the same manner as if the words "similar confinement," which, in the late edition of the laws, are found in the fifth line of the aforesaid fourth section had been substituted, in pursuance of the manifest intention of the legislature, by the words "confinement in the public jail and penitentiary house;" and the act aforesaid in which the fourth section is found, shall, to all intents and purposes, be construed in the same manner as if the second clause in the said fourth section were in the words following, viz: "Every person duly convicted of the crime of murder in the second degree shall be sentenced to undergo a confinement, in the public jail and penitentiary house, for a period not less than five years, nor more than eighteen years, under the same conditions as are hereinafter directed;" and, in all future editions of the said act, the said second clause shall be published in the words aforesaid.

It shall be the duty of the Executive to cause this act to be printed forthwith, and distributed with the aforesaid edition of the laws, and as far as practicable to cause the same to be annexed to the first volume thereof.

This act shall be in force from the passing thereof.

(A true copy.)

WM. MUNFORD,

Keeper of the Rolls.

January 1, 1820.

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ROSANNA L. MILLER
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COMPARED

REVISED CODE

OF THE

LAWS OF VIRGINIA.

C. 1.

An Act providing for the re-publication of the Laws.

A. D. 1819.
A. R. C. 43.

[Passed March 12, 1819.]

1. *BE it enacted by the General Assembly*, That there shall be published an edition of the laws of this Commonwealth, in which shall be contained the following matters, that is to say:

The constitution of the United States, and the amendments thereto.

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention, which rights do pertain to them, and their posterity, as the basis and foundation of government.

The constitution or form of government agreed to, and resolved upon, by the delegates and representatives of the several counties and corporations of Virginia.

An ordinance, to enable the present magistrates and officers to continue the administration of justice, and for settling the general mode of proceedings in criminal and other cases, 'till the same can be more amply provided for. The sixth section only. Passed July third, seventeen hundred and seventy-six.

An act, repealing, under certain restrictions, all statutes or acts of the parliament of Great Britain, heretofore in force within this Commonwealth. Passed December the twenty-seventh, seventeen hundred and ninety-two.

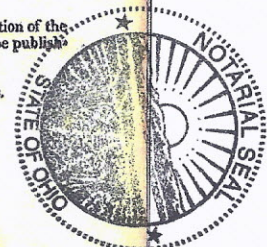
An act, to supply the defect of evidence of the royal assent to certain acts of Assembly under the former government. Passed December the fourteenth, one thousand seven hundred and eighty-seven.

An act, to provide against the appropriation of money by resolution of the two Houses of Assembly. Passed December the third, one thousand seven hundred and eighty-nine.

An act, for confirming and better securing the titles to lands

VOL. I.

A



ROSANNA L. MILLER
Notary Public
for the State of Ohio
My Commission Expires
January 23, 2017

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A. D. 1819.
A. R. C. 43.

in the Northern Neck, held under the Right Honorable Thomas Lord Fairfax, Baron of Cameron, in that part of Great Britain called Scotland. Passed in one thousand seven hundred and thirty-six.

An act, for confirming the grants made by his majesty, within the bounds of the Northern Neck, as they are now established. Passed in one thousand seven hundred and forty-eight.

An act, for the safe-keeping the land papers of the Northern Neck, in the Register's office. Passed in seventeen hundred and eighty-five.

An act, concerning certain lands lying in the Northern Neck. Passed December the tenth, one thousand seven hundred and ninety-six.

A resolution, requesting the Executive to take measures to carry into effect the act concerning certain lands in the Northern Neck. Agreed to by both Houses, December twenty-third, seventeen hundred and ninety-seven.

An act, to authorise the delegates of this State, in Congress, to convey to the United States, in Congress assembled, all the right of this Commonwealth to the territory north-westward of the river Ohio. Passed December the twentieth, one thousand seven hundred and eighty-three.

An act, concerning the territory ceded by this Commonwealth to the United States. Passed December thirtieth, seventeen hundred and eighty-eight.

An act, authorising the Executive to appoint commissioners, to unite with commissioners on the part of the United States, in running a line between the lands reserved and the lands ceded by this Commonwealth, in the State of Ohio. Passed February twenty-second, eighteen hundred and thirteen.

An act, for the cession of ten miles square, or any lesser quantity of territory, within this State, to the United States, in Congress assembled, for the permanent seat of the general government. Passed December the third, one thousand seven hundred and eighty-nine.

An act, concerning the erection of the District of Kentucky into an independent State. Passed December the eighteenth, seventeen hundred and eighty-nine.

An act, for confirming and establishing the boundary line between this State and the State of Kentucky, ascertained and fixed by certain commissioners appointed by both States; and for other purposes. Passed January the thirteenth, one thousand eight hundred.

An act, concerning the southern boundary of this State. Passed December the seventh, one thousand seven hundred and ninety-one.

An act, for confirming and establishing the boundary line between this State and the State of Tennessee, as ascertained and adjusted by certain commissioners. Passed January the twenty-second, one thousand eight hundred and three.

A resolution, for settling the disputed boundary between this State and Pennsylvania. Agreed to by both Houses, December eighteenth, seventeen hundred and seventy-six.

Report of the commissioners appointed by the States of Virginia and Pennsylvania, to run the boundary line between the

two States. Recorded in the journal of the governor and council, October eighth, seventeen hundred and eighty-five.

An act, to approve, confirm and ratify the compact made by certain commissioners, appointed by the General Assembly of the State of Maryland, and commissioners appointed by this Commonwealth. Passed January the third, one thousand seven hundred and eighty-six.

An act, authorising the governor of this Commonwealth to convey certain land to the United States for the purpose of building a light-house. Passed November the thirteenth, seventeen hundred and eighty-nine.

An act, to empower the president of the United States to purchase a tract of land within this State, for the purpose of erecting a public arsenal thereon. Passed November twenty-eighth, seventeen hundred and ninety-four.

An act, authorising the governor of this Commonwealth to convey to the United States, certain land on Old Point Comfort, for the purpose of building a light house. Passed January second, seventeen hundred and ninety-eight.

An act, authorising the governor of this Commonwealth to convey to the United States, upon certain conditions, the property of this Commonwealth, called Gosport. Passed January twenty-fifth, one thousand eight hundred.

An act, authorising the governor of this Commonwealth to cede to the United States the jurisdiction over certain lands, on New Point Comfort, and on Smith's Point, for the purpose of building light-houses. Passed January the fifteenth, one thousand eight hundred and two.

An act, making provision for the disposal of the Marine Hospital, and the exoneration of the commissioners. Passed January the twentieth, one thousand seven hundred and ninety-eight.

An act, establishing religious freedom. Passed December the twenty-sixth, one thousand seven hundred and eighty-five.

An act, to repeal certain acts, and to declare the construction of the bill of rights and constitution, concerning religion. Passed January the twenty-fourth, one thousand seven hundred and ninety-nine.

An act, concerning the glebe lands and churches within this Commonwealth. Passed December nineteenth, seventeen hundred and ninety-six.*

An act, declaring that none shall be condemned without trial, and that justice shall not be sold or deferred. Passed December the fifth, one thousand seven hundred and eighty-five.

An act, to prevent frauds and perjuries. Passed November the thirtieth, one thousand seven hundred and eighty-five.

An act, for the relief of creditors against fraudulent devises. Passed December the seventeenth, one thousand seven hundred and eighty-nine.

An act, forbidding and punishing affrays. Passed November the twenty-seventh, one thousand seven hundred and eighty-six.

An act, against conspirators. Passed November the twenty-seventh, one thousand seven hundred and eighty-six.

* So in roll—the law was passed January 12, 1802.

A. D. 1819.
A. R. C. 43.



ROSANNA L. MILLER
Notary Public
in and for the State of Ohio
My Commission Expires
January 23, 2014

COPY

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APR 10

A. D. 1819.
A. R. C. 43.

An act, prescribing the punishment of those who sell unwholesome meat or drink. Passed November twenty-seventh, seventeen hundred and eighty-six.

An act, providing that actions popular, prosecuted by collusion, shall be no bar to those which be pursued with good faith. Passed November the twenty-eighth, seventeen hundred and eighty-six.

An act, for the suppression and punishment of riots, routs and unlawful assemblies. Passed December the fourth, seventeen hundred and eighty-six.

An act, concerning homicide by misfortune. Passed November the eighteenth, one thousand seven hundred and eighty-nine.

An act, against those who counterfeit letters, or privy tokens, to receive money or goods, in other men's names. Passed November the eighteenth, one thousand seven hundred and eighty-nine.

An act, concerning the benefit of clergy. Passed November the twenty-seventh, one thousand seven hundred and eighty-nine.

An act, to punish bribery and extortion. Passed October the nineteenth, seventeen hundred and ninety-two. The first, fourth and fifth sections.

An act, against buying and selling of offices. Passed October the nineteenth, one thousand seven hundred and ninety-two.

An act, declaring at what time restitution shall be made of goods stolen. Passed October twenty-second, seventeen hundred and ninety-two.

An act, against champerty. Passed December the eighth, one thousand seven hundred and ninety-two.

An act, against divulgers of false news. Passed December the twenty-seventh, one thousand seven hundred and ninety-two.

An act, for the effectual suppression of vice, and punishing the disturbers of religious worship and sabbath-breakers. Passed December the twenty-sixth, seventeen hundred and ninety-two.

An act, concerning stealing tobacco on the highways. Passed December the fifteenth, one thousand seven hundred and ninety-two.

An act, concerning prison-breakers. Passed December the thirteenth, one thousand seven hundred and ninety-four.

An act, in addition to the act, entitled "an act to amend the penal laws of this Commonwealth." Passed January the twenty-first, eighteen hundred and one. The first, second, and fourth sections.

An act, to suppress duelling. Passed January the twenty-sixth, one thousand eight hundred and ten.

An act, concerning partitions and joint rights and obligations. Passed November twenty-eighth, one thousand seven hundred and eighty-six.

An act, declaring when the death of persons absenting themselves shall be presumed. Passed December first, seventeen hundred and eighty-six.

A. D. 1819.
A. R. C. 43.

An act, against conveying, or taking, pretended titles. Passed December the sixth, one thousand seven hundred and eighty-six.

An act, for completing the revision of the laws. The fifth section.

An act, to authorise the establishment of fire companies. Passed January the seventh, one thousand seven hundred and eighty-eight.

An act, to prevent the importation of convicts into this Commonwealth. Passed November the fifteenth, one thousand seven hundred and eighty-eight.

An act, concerning awards. Passed December the seventeenth, one thousand seven hundred and eighty-nine.

An act, declaring the law concerning the escape of debtors, and other prisoners. Passed November twenty-fourth, seventeen hundred and ninety-two.

An act, reducing into one the several acts concerning the manner of authenticating foreign deeds, records, and other instruments of writing. Passed December the eighth, seventeen hundred and ninety-two.

An act, to reduce into one, all acts and parts of acts relating to dower. Passed December the sixth, seventeen hundred and ninety-two.

An act, declaring who shall be deemed citizens of this Commonwealth, and pointing out the mode by which the right of citizenship may be acquired or relinquished. Passed December twenty-third, seventeen hundred and ninety-two.

An act, concerning the right of entry, and giving remedy against collusive judgments of lands, and wrongful alienations thereof in certain cases. Passed December the nineteenth, seventeen hundred and ninety-two.

An act, concerning waste. Passed December the twenty-sixth, one thousand seven hundred and ninety-two.

An act, declaring what remedy the Commonwealth shall have in certain cases. Passed December twenty-fifth, seventeen hundred and ninety-two.

An act, declaring what acts of the present session shall be immediately in force, and to suspend the operation of all other acts, of the present session, which are of a public and permanent nature. Passed December the twenty-eighth, one thousand seven hundred and ninety-two.

An act, to amend the act, prescribing the mode of ascertaining the taxable property within this Commonwealth, and of collecting the public revenue. Passed December the nineteenth, seventeen hundred and ninety-four. The third section.

An act, prescribing a mode for making a title to the purchasers of lands, heretofore sold by sheriffs for arrears of taxes. Passed December the twelfth, one thousand seven hundred and ninety-five.

An act, authorising certain proceedings on the writ of *mandamus*. Passed January the twenty-second, one thousand seven hundred and ninety-nine.

An act, declaring the law in cases of discounts and offsets. Passed December the twenty-ninth, one thousand eight hundred and six.



ROSANNA L. MILLER
Notary Public
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My Commission Expires
January 23, 2011

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APR 10 1819

A. D. 1819.
A. R. C. 43.

An act, to explain and amend an act, reducing into one the several acts concerning forcible entries and detainers. Passed February the twelfth, one thousand eight hundred and fourteen.

An act, concerning wrecks. Passed June the twentieth, one thousand seven hundred and eighty-two. The first and second sections.

An act, to regulate the inspection of hemp. Passed December the twenty-fourth, one thousand seven hundred and ninety.

An act, reducing into one the several acts for regulating the inspection of pork, beef, tar, pitch and turpentine. Passed December the twenty-sixth, one thousand seven hundred and ninety-two.

An act, for the inspection of fish. Passed December the twenty-eighth, one thousand seven hundred and ninety-five.

An act, regulating the inspection of salt, in certain counties therein mentioned. Passed January the eighth, eighteen hundred and fourteen.

An act, to amend the act, reducing into one the several acts concerning the inspection of lumber. Passed February fifteenth, eighteen hundred and seventeen.

An act, to prevent unlawful hunting and ranging. Passed December the fourth, one thousand seven hundred and ninety-two.

An act, to prevent unlawful hunting. Passed December the twenty-third, one thousand seven hundred and ninety-two.

An act, to prevent killing of deer, within certain periods annually. Passed January the sixteenth, one thousand eight hundred and one.

An act, to prevent the burning of the woods. Passed January the sixteenth, one thousand eight hundred and two.

An act, for improving the breed of horses. Passed December the twenty-fourth, one thousand seven hundred and ninety-two.

An act, to prevent the destruction of sheep in this Commonwealth. Passed January the twenty-sixth, one thousand eight hundred and fourteen. The sixth section.

An act, concerning tributary Indians. Passed December the twenty-fourth, one thousand seven hundred and ninety-two.

An act, reducing into one the several acts concerning servants. Passed December the twenty-sixth, one thousand seven hundred and ninety-two.

An act, concerning weights and measures. Passed December the twenty-sixth, one thousand seven hundred and ninety-two.

An act, making provision for the re-payment of monies paid into the treasury, in pursuance of an act, "for sequestering British property; enabling those indebted to British subjects to pay off such debts; and directing the proceedings in suits where such subjects are parties." Passed December the nineteenth, one thousand seven hundred and ninety-six.

An act, for calling in and registering certificates of the public debt of this state. Passed January the twenty-eighth, eighteen hundred and two.

A. D. 1819.
A. R. C. 43.

An act, concerning certificates. Passed December the twenty-ninth, one thousand eight hundred and nine.

An act, for incorporating the Bank of Virginia. Passed January the thirtieth, one thousand eight hundred and four.

An act, incorporating the Farmers' Bank of Virginia. Passed February the thirteenth, one thousand eight hundred and twelve.

An act, concerning the Farmers' Bank of Virginia. Passed February the nineteenth, one thousand eight hundred and twelve.

An act, authorising the Bank of Virginia and the Farmers' Bank of Virginia to make loans to the government of the United States. Passed February the twentieth, one thousand eight hundred and twelve.

An act, for extending the charter of the Bank of Virginia, and for other purposes. Passed January the twenty-fourth, eighteen hundred and fourteen.

An act, to amend an act, entitled, an act incorporating the Farmers' Bank of Virginia. Passed January the twenty-seventh, eighteen hundred and fourteen.

An act, concerning the Bank of Virginia and the Farmers' Bank of Virginia. Passed October the nineteenth, eighteen hundred and fourteen.

An act, to provide more effectually for the payment of specie by the several Banks of this Commonwealth. Passed February the twenty-third, one thousand eight hundred and sixteen.

An act, more effectually to prevent the circulation of notes omitted by unchartered Banks. Passed February the twenty-fourth, eighteen hundred and sixteen.

An act, to establish two new banks within this Commonwealth. Passed February the fifth, one thousand eight hundred and seventeen.

An act, for regulating inland navigation on Potowmac river above tide water. Passed December the ninth, seventeen hundred and ninety three.

An act, for regulating the navigation of James river above the falls of said river. Passed December the seventeenth, seventeen hundred and ninety-one.

An act, to amend an act, entitled, "an act for regulating the navigation of James river above the falls of the said river." Passed February the ninth, one thousand eight hundred and eleven.

An act, to prevent the hauling of seines at certain places within certain periods annually. Passed January the fourth, one thousand eight hundred and five.

An act, concerning seamen. Passed January the nineteenth, one thousand eight hundred and five.

An act, concerning certain corporation courts. Passed December the twelfth, one thousand seven hundred and ninety-three.

An act, for giving further time to the owners of lots, in the town of Cartersville, in Cumberland county, to build thereon; and for other purposes. Passed December the twenty-first, seventeen hundred and ninety-five. The fourth section.



ROSANNA L. MILLER
Notary Public
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My Commission Expires
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A. D. 1819.
A. R. C. 48.

An act, concerning corporations. Passed December the twenty second, one thousand seven hundred and ninety-six.

An act, providing for the election of sergeants of corporations in certain cases. Passed February the twenty-second, eighteen hundred and thirteen.

An act, to regulate the proceedings in suits against corporations. Passed February the nineteenth, eighteen hundred and sixteen.

An act, authorising the president of the United States to open an inland navigation, from the Chesapeake bay, or the port of Norfolk, to the channel of Currituck sound, and from Lynhaven bay to the eastern branch of Elizabeth river. Passed January the thirtieth, eighteen hundred and nine.

An act, to create a fund for internal improvement. Passed February the fifth, eighteen hundred and sixteen.

An act, prescribing certain general regulations for the incorporation of turnpike companies. Passed February the seventh, eighteen hundred and seventeen.

An act, to compel the manufacturers of salt-petre to keep their works enclosed. Passed February the fourth, eighteen hundred and fourteen.

An act, making further provision for furnishing the public officers of this Commonwealth with the laws thereof. Passed January twenty-sixth, eighteen hundred and two. The preamble, and the third section.

An act, authorising Samuel Pleasants, jr. to publish a collection of certain public laws of this Commonwealth, and for other purposes. Passed January the seventh, eighteen hundred and seven. The preamble, and first section.

An act, authorising William Waller Hening to publish an edition of the laws of this Commonwealth, and for other purposes. Passed February the fifth, one thousand eight hundred and eight. The preamble, and first section.

An act, making further provision for furnishing the public officers of this Commonwealth with the laws thereof. Passed February the tenth, one thousand eight hundred and twelve. The preamble and third section.

An act, to amend the act, "authorising William Waller Hening to publish an edition of certain laws of this Commonwealth, and for other purposes." Passed February the twelfth, eighteen hundred and thirteen.

An act, for reducing into one the several acts, and parts of acts, respecting the powers and duties of the Executive. Passed November the sixteenth, one thousand seven hundred and ninety-two.

An act, to prevent the Executive from remitting fines or amercements. Passed January the twenty-third, eighteen hundred and one.

An act, concerning appointments to civil offices. Passed November the twenty-fourth, one thousand seven hundred and ninety-four.

An act, concerning the credentials of the senators of this Commonwealth in congress. Passed December twenty-second, seventeen hundred and eighty-eight.

A. D. 1819.
A. R. C. 43.

An act, for arranging the counties of this Commonwealth into districts to choose representatives to congress. Passed February the sixth, one thousand eight hundred and thirteen.

An act, for arranging the counties into districts for the election of senators, and for equalizing the land tax. Passed February the eighteenth, one thousand eight hundred and seventeen.

An act, establishing a separate election on the south side of the river Roanoke, in the county of Mecklenburg. Passed January the twenty-eighth, one thousand eight hundred and twelve.

An act, establishing a separate election on the east side of Cheat River, in the county of Monongalia. Passed January the twenty-fifth, one thousand eight hundred and sixteen.

An act, establishing a separate election in the county of Cabell. Passed January the thirty-first, eighteen hundred and seventeen.

An act, authorising a separate election in that part of Bath county, lying west of the Alleghany, and for other purposes. Passed February the third, one thousand eight hundred and seventeen.

An act, reducing into one act the several acts concerning the election of members of the General Assembly, and for other purposes.

An act, reducing into one act the several acts concerning disputed elections of members of the General Assembly.

An act, for reducing into one act the several acts concerning the court of appeals, and special courts of appeals.

An act, reducing into one act all acts and parts of acts concerning the superior courts of chancery.

An act, reducing into one the several acts and parts of acts concerning the general court, and prescribing the manner of proceeding therein in certain cases.

An act, to reduce into one the several acts and parts of acts concerning the establishment, jurisdiction and powers of the superior courts of law.

An act, to reduce into one act the several acts and parts of acts concerning the county and other inferior courts of this Commonwealth.

An act, concerning the adjournments and places of sessions of certain courts, in certain cases.

An act, to reduce into one the several acts concerning grand juries, and petit juries.

An act, to reduce into one the several acts allowing a bill of exceptions to be sealed.

An act, declaring who shall be conservators of the peace within this Commonwealth.

An act, to reduce into one the several acts concerning counsel and attorneys at law.

An act, to reduce into one all acts and parts of acts relating to the appointment and duties of sheriffs.

An act, to reduce into one the several acts concerning coroners.

An act, to reduce into one act the several acts concerning escheators.



ROSANNA L MILLER
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A. D. 1819.
A. R. C. 43.

An act, concerning clerks of courts.

An act, to reduce into one act the several acts concerning constables.

An act, reducing into one the several acts prescribing the oath of fidelity, and the oaths of public officers.

An act, to reduce into one the several acts and parts of acts ascertaining the salaries of the officers of civil government.

An act, to reduce into one act the acts to disable the officers of the continental government from holding offices under the authority of this Commonwealth.

An act, to reduce into one act the several acts and parts of acts concerning witnesses, and prescribing the manner of obtaining and executing commissions for taking their depositions, in certain cases.

An act, for limitation of actions; for preventing frivolous and vexatious suits, concerning jeofails, and certain proceedings in civil cases.

An act, reducing into one act the several acts directing the method of proceeding in courts of equity, against absent debtors or other absent defendants, and for settling the proceedings on attachments against absconding debtors.

An act, reducing into one all acts and parts of acts, providing a method to help and speed poor persons in their suits.

An act, to reduce into one the several acts and parts of acts prescribing a method of protesting inland bills of exchange, and allowing assignees of obligations to bring actions thereupon in their own names.

An act, for reducing into one act all acts and parts of acts, concerning suits brought for sterling money, and for ascertaining the rate of exchange, and damages upon protested bills of exchange.

An act, for reforming the method of proceeding in writs of right.

An act, to empower securities to recover damages in a summary way, and for other purposes.

An act, to reduce into one the several acts, for the better securing the payment of rents, and preventing the fraudulent practices of tenants, and to regulate the practice of suing out and prosecuting writs of replevin.

An act, to reduce into one act the several acts concerning executions, and for the relief of insolvent debtors.

An act, to reduce into one act the acts now in force, directing the mode of suing out and prosecuting writs of *habeas corpus*, and to annul the remedy by writ *de homine replegiando*.

An act, reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators.

An act, to reduce into one the several acts, directing the course of descents.

An act, to reduce into one act the several acts, for regulating conveyances, and concerning wrongful alienations.

An act, to reduce into one act the acts concerning public notaries.

A. D. 1819.
A. R. C. 43.

An act, to reduce into one the several acts, concerning guardians, orphans, curators, infants, masters and apprentices.

An act, reducing into one act all acts, and parts of acts, making provision for the restraint, support and maintenance of idiots and lunatics, and the preservation and management of their estates.

An act, to reduce into one the several acts, to regulate the solemnization of marriages; prohibiting such as are incestuous or otherwise unlawful; to prevent forcible and stolen marriages, and for punishment of the crime of bigamy.

An act, to reduce into one the several acts, concerning mills, mill dams, and other obstructions of water courses.

An act, reducing into one the several acts, for the settlement and regulation of ferries.

An act, to reduce into one the several acts, giving power to the county courts to establish ferries, and to regulate the rates of ferriage.

An act, to reduce into one the several acts, concerning public roads, and for establishing public landings.

An act, reducing into one act the several acts, directing the manner of proceeding in cases of impeachment.

An act, reducing into one the several acts, declaring what shall be treason; for punishing certain offences injurious to the tranquility of the Commonwealth; concerning felonies and offences committed out of the jurisdiction of the same; and taking from the Executive the power of granting pardon to traitors.

An act, to punish arson, the burning or setting fire to houses in towns, the malicious burning any house, or houses, or stacks, and certain house breakers and accessaries to felonies, and receivers of stolen goods.

An act, reducing into one act the several acts, declaring the punishment in case of rape.

An act, declaring the punishment of the crime of buggery.

An act, reducing into one the several acts, for punishing persons guilty of certain thefts and forgeries, and the destruction or concealment of wills.

An act, reducing into one act the several acts, declaring the punishment of horse-stealers and their accessaries, and to encourage the apprehenders of horse-stealers.

An act, reducing into one the several acts, against hog-stealing.

An act, against the embezzling of records.

An act, reducing into one the several acts, directing what persons shall be let to bail.

An act, reducing into one the several acts, for the safe-keeping of prisoners committed, under the authority of the United States, into any of the jails of this Commonwealth.

An act, to reduce into one act, the several acts and parts of acts, to prevent unlawful gaming.

An act, to reduce into one act the several acts, against malicious or unlawful shooting, stabbing, maiming and disfiguring.

An act, to reduce into one act the several acts, concerning the method of proceeding against free persons charged with certain crimes; declaring the mode of proceeding on indict-



ROSANNA L. MILLER
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My Commission Expires
January 23, 2014

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A. D. 1819.
A. R. C. 43.

ments, informations, and prosecutions on penal statutes; and for preventing vexatious and malicious prosecutions, and moderating amercements.

An act, to reduce into one act the several acts, and parts of acts, for establishing a penitentiary-house, and for the punishment of crimes.

An act, to reduce into one the several acts, and parts of acts, concerning perjury, subornation of perjury, and embracery.

An act, to reduce into one the several acts, for preventing trespasses; declaring what shall be deemed a lawful enclosure; for preventing infection of horned cattle, and losses from drivers thereof passing through the Commonwealth.

An act, to reduce into one act the several acts, against usury.

An act, to reduce into one all acts, to prevent the circulation of private bank notes.

An act, to reduce into one the several acts of assembly, allowing a reward for killing wolves.

An act, to reduce into one act the several acts, concerning the land office; ascertaining the terms and manner of granting waste and unappropriated lands; for settling the titles and boundaries of lands; directing the mode of processioning, and prescribing the duty of surveyors.

An act, to reduce into one the several acts declaring and regulating the practice of suing out and prosecuting writs of *scire facias*, to repeal letters patent.

An act, reducing into one the several acts concerning slaves, free negroes and mulattos.

An act, reducing into one act the several acts for apprehending and securing runaways.

An act, to reduce into one act, the several acts now in force, concerning patroles.

An act, reducing into one act the several acts, providing for the poor, and declaring who shall be deemed vagrants.

An act, to reduce into one the several acts, for regulating ordinaries, and houses of private entertainment, and for the restraint of tippling-houses.

An act, to reduce into one act the several acts, for regulating the inoculation, and for the prevention of the small pox.

An act, to reduce into one the several acts, to oblige vessels coming from foreign ports to perform quarantine.

An act, to reduce into one the several acts concerning pilots, and regulating their fees.

An act, reducing into one the several acts, for unlading ballast, and burial of dead bodies from on board ships, and prohibiting the putting sick or disabled seamen and servants on shore, without providing for their maintenance.

An act, reducing into one act the several acts concerning the appointment of harbor-masters, and declaring their duties.

An act, to reduce into one act the several acts now in force, regulating impresses, and the compensation to individuals for property taken or occupied, for public uses.

An act, to reduce into one act all acts and parts of acts, concerning the office of trustees or directors of the several towns within this Commonwealth, and for supplying vacancies in the same.

A. D. 1819.
A. R. C. 43.

An act, to reduce into one the several acts concerning estrays.

An act, to reduce into one act the acts, for the relief of persons who have been, or may be, injured, by the destruction of the records of certain courts of justice.

An act, to reduce into one the several acts, now in force, concerning the inspection of tobacco.

An act, to amend and reduce into one act the several acts, now in force, for regulating the inspection of flour, Indian meal and bread.

An act, to reduce into one act the acts, now in force, to prevent the destruction of oysters within this Commonwealth.

An act, to reduce into one act the several acts, concerning the literary fund.

An act, to reduce into one all acts, and parts of acts, concerning aliens.

An act, directing the manner in which the money of account shall be expressed, in the accounts of the public offices, and in the proceedings of the courts of this Commonwealth, and for other purposes.

An act, reducing into one act, all acts and parts of acts concerning the appointment, duties, and the salary of the public printer.

An act, to reduce into one the several acts, concerning the auditor and treasurer.

An act, reducing into one act the several acts concerning titheables, and directing the mode of laying and collecting the county levy.

An act, reducing into one the several acts, concerning the fees of certain officers, and declaring the mode of discharging the said fees.

An act, to reduce into one the several acts, concerning the recovery of debts due to the public, and the sale of lands, for judgments on behalf of the Commonwealth against public officers.

An act, to reduce into one act the several acts for enforcing the payment of fines into the public treasury.

An act, reducing into one the several acts, prescribing the mode of ascertaining the taxable property within the Commonwealth, and of collecting the public revenue.

An act, to provide for the collection of the taxes on licenses to merchants; to hawkers and pedlars; to keepers of ordinaries and houses of private entertainment; on law process; and on certain other subjects.

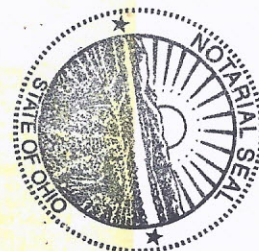
An act, to reduce into one act the several acts, now in force, providing for the appointment of electors to choose a president and vice-president of the United States.

An act, to reduce into one all acts and parts of acts, for regulating the militia of this Commonwealth.

An act, to reduce into one the several acts, for the government and regulation of the manufactory of arms.

An act, concerning the laws of this Commonwealth.

An act, for adjusting and settling the titles of claimers to unpatented lands, under the present and former government,



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APR 10

A. D. 1819.
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Land laws, not enumerated, to be inserted.

Also, acts of a general nature, of the last and this Assembly.

Acts, for charts and map of the State.

Other pre-terminated acts, of a general nature.

Titles and dates of private, local and temporary acts.

Time of passage to be prefixed to each act.

Style of publication.

To be superintended by Benjamin W. Leigh, or some other person appointed by the Executive, in the event of his refusal. Duties to be performed by such superintendant.

He may appoint one or more clerks to assist him.

Their compensation.

How the work shall be authenticated.

Contract with Thomas Ritchie to print such edition, recited.

previous to the establishment of the Commonwealth's land-office. Passed in the year seventeen hundred and seventy-nine.

The several other acts, not herein enumerated, in relation to entering, surveying, and acquiring title to lands, the property of the Commonwealth.

All acts of a general nature, passed during the present and the last session of the legislature, not herein particularly enumerated, which have not been either repealed, or incorporated, in other acts.

The several acts, providing for a chart of each county, and a general map of the Commonwealth.

All such other acts, of a general nature, now in force, not mentioned in the volume reported to the legislature, at their last session, by the committee of revisors, as may have been pre-terminated in this act.

The titles and dates of all private, local and temporary acts, passed from the year eighteen hundred and twelve, to the year eighteen hundred and seventeen, such as is published at the end of the volume reported as aforesaid; with a similar list of the titles and dates of such acts, passed during the last and present session of the legislature.

2. In publishing the laws aforesaid, the days upon which they respectively passed, shall be prefixed to each act immediately succeeding its title.

3. THE said edition shall be published in two octavo volumes, printed in the best type, on good paper, well bound in calf skin, and lettered. It shall contain a complete index, and proper marginal notes and references.

4. THE publication thereof shall be under the immediate superintendence of Benjamin Watkins Leigh; or on his failure to act, under the superintendence of such other fit person as the Executive may appoint for that purpose. It shall be his duty to prescribe the order, in which the several laws shall be published in the code; carefully classing them according to their subject matter, without reference to the time of their passage; to note particularly, the time of the enactment of each provision of the law, and to make such brief notes of explanation and reference, as he shall deem proper; he shall cause to be made proper marginal notes of the contents of each section, and a full and complete index to the whole code; and he shall cause the proof sheets to be carefully examined, during the publication. He shall be allowed to employ, with the approbation of the Executive, one or more clerks or assistants, to aid in the discharge of the duties aforesaid; and he, with the clerks or assistants aforesaid, shall be allowed, by the Executive, a reasonable compensation for their services, to be paid out of the public treasury. Upon his certificate that the laws aforesaid have been carefully examined, and that he finds them correctly printed, they shall be received in evidence in the same manner as the originals.

5. AND whereas Thomas Ritchie hath agreed to undertake the publication of the code aforesaid, in manner aforesaid, and to deliver to the Executive, for the use of the Commonwealth,

A. D. 1819.
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four thousand copies thereof, well printed, bound and lettered as aforesaid, at the price of six dollars for each copy, three thousand copies whereof are to be delivered on or before the first day of December, and the residue, on or before the first day of January next:

Be it therefore further enacted, That the Executive shall be and they are hereby authorised and required to contract with the said Thomas Ritchie, for the delivery of the said four thousand copies of the code aforesaid, at the times, and for the price aforesaid. When the said copies shall be received, it shall be the duty of the Executive to retain ten copies thereof, in the council chamber, for the use of the Executive department of the government, and to distribute the residue, or so many thereof as may be necessary, in the manner following: five copies to the clerk of each house of the General Assembly, for the use of the said houses, respectively; one copy to each of the judges of the court of appeals, general court, and superior courts of chancery; one copy to each of the judges of the courts of the United States resident within this State; one copy to the treasurer, auditor, and register, each, for the use of his department; one copy to the president and directors of the literary fund, and to the president and directors of the board of public works, each, for the use of their boards respectively; one copy to Thomas Jefferson, James Madison, and James Monroe, each; one copy to the superintendant of this edition of the laws; one copy to the attorney general, and to each attorney prosecuting for the Commonwealth, in any court within this State; one copy to each clerk of any court of record, within this Commonwealth, for the use of the court; and one copy to each justice of the peace, within this Commonwealth.

6. THE sum necessary for the purchase aforesaid shall be paid out of any money in the treasury, not otherwise appropriated; and may be drawn for upon the order of the Executive, at any time after the said copies shall have been delivered: *Provided, however*, That it shall be lawful, at any time after the passage of this act, for the Executive to cause to be paid to the said Thomas Ritchie, in advance, for the purchase aforesaid, any sum not exceeding five thousand dollars; he the said Thomas Ritchie having first entered into bond with sufficient security, to be approved by the Executive, payable to the governor for the time being, and his successors, and conditioned for the due and faithful publication of the code aforesaid, and for the delivery of the said four thousand copies, within the times, and at the price aforesaid.

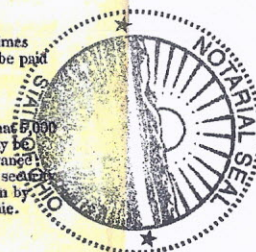
7. FOR the purpose of making the said advance of five thousand dollars to Thomas Ritchie; *Be it further enacted*, That the Executive of this Commonwealth shall be, and they are hereby authorised and required to borrow, on the credit of the State, the sum of five thousand dollars, until the first day of November, eighteen hundred and nineteen, of any one of the banks in the city of Richmond, of the board of public works, the president and directors of the literary fund, or of any person or persons:—*Provided*, That the interest to be paid for the said loan shall not exceed the rate of seven per centum per annum.

At what times they shall be paid for.

Proviso, that \$5000 dollars may be paid in advance, being given by Mr. Ritchie.

Executive authorized to borrow that sum on the credit of the State.

On an interest not exceeding 7 per cent.



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Revised bills passed the present session, not to be printed with the laws thereof.
Exception.
Repeal of all acts of a general nature not published in such Code.
Proviso.

Commencement.

8. *AND be it also enacted*, That the revised bills passed during the present session of the General Assembly, shall not be printed with the other laws passed at the present session, except such bills and parts of bills as take effect before the first day of January next.

9. ALL acts and parts of acts, of a general nature, which shall not be published in the code aforesaid, pursuant to the directions of this act, either entire or by their titles, shall be, and the same are hereby repealed, from and after the first day of January next: *Provided, however*, That such repeal shall not prevent the prosecution of any offence committed, or impair any right accrued before the said first day of January; but such offence may be prosecuted, and such right may be maintained and asserted, in the same manner as if this repealing section had never passed.

10. THIS act shall commence and be in force from and after the passage thereof.

C. 2.

A. D. 1788—9.
A. R. C. 13.

CONSTITUTION OF THE UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE 1.

Section 1.

Legislative powers vested in congress. 1. ALL legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Section 2.

House of representatives; its members; by whom chosen; qualifications of electors. A representative to be aged 25; seven years a citizen of the United States, and an inhabitant of his state when elected. Representatives and taxes to be apportioned according to numbers.

1. THE house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. REPRESENTATIVES and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be de-

termined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island and Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. WHEN vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. THE house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Writs of election for filling vacancies. The house of representatives to choose their speaker, &c.

Section 3.

1. THE senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.*

2. IMMEDIATELY after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class, shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. THE vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

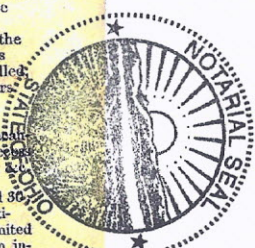
5. THE senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. THE senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Two senators chosen by the legislature of each state, for 6 years; each a vote. [See art. 5. cl. 1.] The senators divided into three classes. One third of the senatorial seats vacated and filled every two years. Executives of states to fill vacancies, in the recess of legislatures, &c. A senator aged 30; nine years a citizen of the United States, and an inhabitant of his state when chosen. Vice-president to be president of the senate; to vote on an equal division only. The senate to choose their president pro tempore, &c. The sole power to try impeachments, in the senate, &c.

When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

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Extent of judgment in cases of impeachment. Party liable also to judgment, &c. according to law.

Times, &c. of holding elections for senators and representatives, regulated by the states or by congress.

Congress to assemble annually on the first Monday in December, &c.

Each house judge of the election of its own members. Quorum.

Each house to determine its own rules, &c.

Journals to be kept by each house, and published, &c.

Adjournment of both houses.

Senators and representatives to be paid, &c. Privileged from arrest, &c.

Concerning the holding of offices by senators and representatives.

7. JUDGMENT in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4.

1. THE times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. THE congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5.

1. EACH house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. EACH house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member.

3. EACH house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. NEITHER house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6.

1. THE senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7.

1. ALL bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

2. EVERY bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. EVERY order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.

THE congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States: To borrow money.

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes: To regulate commerce.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States: To establish the rule of naturalization, &c.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures: To coin money, &c.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States: To provide for punishing counterfeiters.

7. To establish post-offices and post-roads: To establish post offices, &c.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries: To promote science, &c.

9. To constitute tribunals inferior to the supreme court: To constitute inferior tribunals, &c.

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Revenue bills to originate in the house of representatives, &c. Powers of the president and of congress in the enacting of laws, and the forms of proceeding on bills in that respect.



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- To declare war. 10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:
- To raise armies. 11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:
- To provide a navy. 12. To provide and maintain a navy:
- To make rules for governing army and navy. 13. To make rules for the government and regulation of the land and naval forces:
- To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:
- To provide for organizing the militia. 14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:
- To provide for organizing the militia, &c. 15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:
- To exercise exclusive jurisdiction over a territorial district not exceeding ten miles square, &c. 16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings:—and,
- To make all laws necessary to the execution of their powers. 17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Section 9.

- Importation of certain persons not to be prohibited until after 1808. 1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*
- ["See art. 5, cl. 1.] The writ of habeas corpus recognized, &c. 2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.
- No bills of attainder, or ex post facto laws. 3. No bill of attainder or ex post facto law shall be passed.
- Direct taxes according to census. 4. No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein-before directed to be taken.
- No export duty, nor preference of one state to another in commerce. 5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.
- Money to be expended by legal appropriation only. 6. No monies shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
- No titles of nobility can be conferred by the United 7. No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them,

shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.
2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE 2.

Section 1.

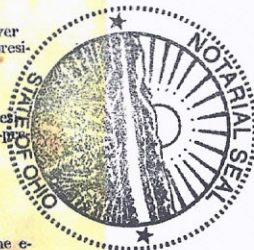
1. THE executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and together with the vice-president, chosen for the same term, be elected as follows:
2. EACH state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.
3. THE electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for; and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed: and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then, from the five highest on the list, the said

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States; nor can its officers accept presents, &c.
[See amendments, art. 13.]

Powers withdrawn from the states individually.

Powers which the states can exercise only under the sanction of congress.



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[* Annulled. See amendments, art. 12.]

Congress may determine the time of choosing electors of president, &c.

The president to be natural born, or a citizen in 1788; aged 35; and 14 years a resident of the United States.

In case of vacancy in the office of president, the vice-president to act, &c.

Compensation of the president.

The president to take an oath.

Form of the oath.

The president is commander in chief, &c.

He may require written opinions from principal executive officers. He can reprove and pardon.

He may, in conjunction with the senate, make treaties, appoint ambassadors, &c.

house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.*

4. THE congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president: neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. THE president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. BEFORE he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States."

Section 2.

1. THE president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. HE shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose

appointments are not herein otherwise provided for, and which shall be established by law. But the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. THE president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Section 3.

1. He shall from time to time give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4.

1. THE president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE 3.

Section 1.

1. THE judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section 2.

1. THE judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.*

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A. R. C. 13.

Congress may vest certain appointments in the president alone, or otherwise. The president may fill vacancies during the recess of the senate.

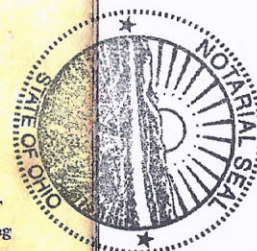
President to inform congress, and recommend measures; may convene and adjourn congress on certain occasions; receive ambassadors, &c.; shall see the laws executed, and commission all officers of the United States.

President, &c. removable on impeachment and conviction.

Judicial powers vested in a supreme court, &c. Judges to hold their offices during good behaviour, &c.

Extent of the judicial power.

* See a restriction of this provision, amendments, art. 11.]



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A. D. 1788—9.
A. R. C. 13.

Original and appellate jurisdiction of the supreme court.

Trial of crimes to be by jury, &c.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

3. THE trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

Section 3.

Definition of treason.

1. TREASON against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Congress to declare the punishment of treason, &c.

2. THE congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE 4.

Section 1.

Credit to be given in one state to the public acts, &c. of another, &c.

1. FULL faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2.

Reciprocity of citizenship through-out the states.

Criminals flying from one state to another, to be delivered up on demand.

Runaway slaves, &c. to be delivered up.

1. THE citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A PERSON charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.

Section 3.

New states may be admitted into the union, &c.

1. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the

consent of the legislatures of the states concerned, as well as of the congress.

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2. THE congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed, as to prejudice any claims of the United States, or of any particular state.

Congress to have power over territory, &c. Claims of the states, &c. not to be prejudiced.

Section 4.

1. THE United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or the executive (when the legislature cannot be convened,) against domestic violence.

Republican form of government guaranteed to each state, &c.

ARTICLE 5.

1. THE congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first* and fourth* clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the senate.†

Mode of amending this constitution.

* Concerning the importation of certain persons, and direct taxes.
† See ante, art. 1, § 3, cl. 1.]

ARTICLE 6.

1. ALL debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

Assumption of debts incurred under the confederation.

2. THIS constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

This constitution, acts of congress, and treaties, the supreme law, &c. The state judges bound thereby.

3. THE senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Senators, representatives, &c. bound by oath or affirmation to support this constitution. No religious test.



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Ratification of nine
states sufficient,
&c.

ARTICLE 7.

1. THE ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

DONE in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President, and deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Attest,

WILLIAM JACKSON, Secretary.

IN CONVENTION,

MONDAY, SEPTEMBER 17, 1787.

Present, the states of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Constitution to be
laid before con-
gress, &c.

1. *Resolved*, That the preceding constitution be laid before the United States, in congress assembled, and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in congress assembled.

Congress to fix a
day for appointing
as soon as the conventions of nine states shall have ratified this

constitution, the United States in congress assembled, should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the president, and the time and place for commencing proceedings under this constitution. That after such publication, the electors should be appointed, and the senators and representatives elected. That the electors should meet on the day fixed for the election of the president, and should transmit their votes, certified, signed, sealed and directed, as the constitution requires, to the secretary of the United States in congress assembled: that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening and counting the votes for president; and that, after he shall be chosen, the congress, together with the president, should without delay, proceed to execute this constitution.

By the unanimous order of the convention.

GEORGE WASHINGTON, President.

WILLIAM JACKSON, Secretary.

IN CONVENTION,

SEPTEMBER 17, 1787.

SIR,

WE have now the honor to submit to the consideration of the United States in congress assembled, that constitution which has appeared to us the most advisable.

THE friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the union; but the impropriety of delegating such extensive trust to one body of men is evident; hence results the necessity of a different organization.

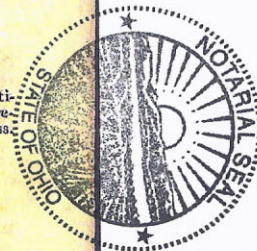
It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all: individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states, as to their situation, extent, habits and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply

A. D. 1788—9.
A. R. C. 13.

electors of presi-
dent, &c.

Mode recommen-
ded for carrying
the constitution in-
to effect.



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A. R. C. 13.

impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the constitution which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

THAT it will meet the full and entire approbation of every state, is not, perhaps, to be expected; but each will doubtless consider, that, had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe: that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, Sir, your excellency's most obedient and humble servants.

By unanimous order of the convention,

GEORGE WASHINGTON, *President.*

His Excellency, the President of Congress.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE 1.

Congress prohibited from interfering with religion, with freedom of speech, of the press, and the right of petition. CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE 2.

Right of the people to keep and bear arms, &c. A WELL regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE 3.

No soldier to be quartered in any house, during peace, without consent, &c. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE 4.

No search warrant to issue, except on probable cause, oath, &c. THE right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE 5.

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A. R. C. 13.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; &c. nor shall private property be taken for public use without just compensation.

ARTICLE 6.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE 7.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE 8.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE 9.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE 10.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE 11.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.



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ARTICLE 12.*

* See ante, art. 2, § 1, cl. 3.]
Actual mode of electing the president and vice president of the United States.

1. THE electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. THE person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators; and a majority of the whole number shall be necessary to a choice.

3. BUT no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office, or emolument of any kind, &c. [See ante, art. 1, § 9, cl. 2.] If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, title of nobility, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

C. 3.

A Declaration of Rights made by the Representatives of the good People of VIRGINIA, assembled in full and free Convention; which rights do pertain to them, and their Posterity, as the basis and foundation of Government.

A. D. 1776.
A. R. C. 1.

[Unanimously adopted, June 12, 1776.]

1. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. THAT all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

3. THAT government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. THAT no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. THAT the Legislative and Executive powers of the state should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. THAT elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. THAT all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives



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A. D. 1776.
A. R. C. 1.

of the people, is injurious to their rights, and ought not to be exercised.

8. THAT, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. THAT excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

10. THAT general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. THAT, in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. THAT the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. THAT a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. THAT the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of *Virginia*, ought to be erected or established within the limits thereof.

15. THAT no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. THAT religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

C. 4.

The Constitution or Form of Government, agreed to and resolved upon by the Delegates and Representatives of the several Counties and Corporations of Virginia.

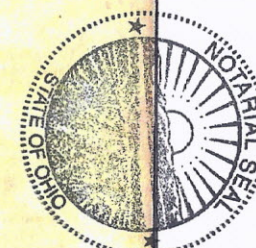
A. D. 1776.
A. R. C. 1.

[Unanimously adopted, June 29, 1776.]

1. WHEREAS *George* the third, King of *Great Britain* and *Ireland*, and Elector of *Hanover*, heretofore entrusted with the exercise of the kingly office in this government, hath endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good: By denying his Governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and, when so suspended, neglecting to attend to them for many years: By refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the Legislature: By dissolving Legislative Assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people: When dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any Legislative head: By endeavoring to prevent the population of our country, and, for that purpose, obstructing the laws for the naturalization of foreigners: By keeping among us, in time of peace, standing armies and ships of war: By affecting to render the military independent of, and superior to, the civil power: By combining with others to subject us to a foreign jurisdiction; giving his assent to their pretended acts of Legislation; For quartering large bodies of armed troops among us: For cutting off our trade with all parts of the world: For imposing taxes on us without our consent: For depriving us of the benefits of the trial by jury: For transporting us beyond seas, to be tried for pretended offences: For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever: By plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people: By inciting insurrections of our fellow subjects, with the allurements of forfeiture and confiscation: By prompting our negroes to rise in arms among us, those very negroes, whom, by an inhuman use of his negative, he hath refused us permission to exclude by law: By endeavoring to bring on the inhabitants of our frontiers, the merciless *Indian* savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence: By transporting at this time, a large army of foreign mercenaries, to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation: By answering our repeated petitions for redress with a repetition of injuries: And finally, by abandoning the helm of government, and declaring us out of

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A. D. 1776.
A. R. C. I.

Former govern-
ment dissolved.
Another declared.

Legislative, Exe-
cutive, and Judi-
ciary, separated,
with an exception.

Legislature; Gen-
eral Assembly,
formed of two hou-
ses, to meet once a
year.

House of Dele-
gates; its mem-
bers, how quali-
fied, by whom,
and how chosen.

When a corpora-
tion's right to re-
presentation shall
cease.

Senate; number
of members, how
qualified, by
whom, and how
chosen.

Rotation.

his allegiance and protection. By which several acts of mis-
rule, the government of this country, as formerly exercised
under the crown of *Great Britain*, is totally dissolved:

2. We, therefore, the Delegates and Representatives of the
good people of *Virginia*, having maturely considered the prem-
ises, and viewing with great concern the deplorable condition
to which this once happy country must be reduced, unless some
regular adequate mode of civil polity is speedily adopted, and
in compliance with a recommendation of the General Congress,
do ordain and declare the future form of government of *Vir-
ginia* to be as followeth:

3. THE Legislative, Executive, and Judiciary departments,
shall be separate and distinct, so that neither exercise the powers
properly belonging to the other; nor shall any person exercise
the powers of more than one of them at the same time, except
that the justices of the county courts shall be eligible to either
House of Assembly.

4. THE Legislative shall be formed of two distinct branches,
who, together, shall be a complete Legislature. They shall
meet once or oftener, every year, and shall be called the Gen-
eral Assembly of *Virginia*.

5. ONE of these shall be called the House of Delegates, and
consist of two Representatives to be chosen for each county,
and for the district of *West Augusta*, annually, of such men as
actually reside in and are freeholders of the same, or duly
qualified according to law, and also one Delegate or Represen-
tative to be chosen annually for the city of *Williamsburg*, and
one for the borough of *Norfolk*, and a Representative for each
of such other cities and boroughs as may hereafter be allowed
particular representation by the Legislature; but when any city
or borough shall so decrease as that the number of persons
having right of suffrage therein shall have been for the space of
seven years successively less than half the number of voters in
some one county in *Virginia*, such city or borough thencefor-
ward shall cease to send a Delegate or Representative to the
Assembly.

6. THE other shall be called the Senate, and consist of twenty-
four members, of whom thirteen shall constitute a House to pro-
ceed on business, for whose election the different counties shall
be divided into twenty-four districts; and each county of the
respective district, at the time of the election of its Delegates,
shall vote for one Senator, who is actually a resident and free-
holder within the district, or duly qualified according to law,
and is upwards of twenty-five years of age; and the sheriffs of
each county, within five days at farthest after the last county
election in the district, shall meet at some convenient place,
and from the poll so taken in their respective counties return
as a Senator the man who shall have the greatest number of
votes in the whole district. To keep up this Assembly by ro-
tation, the districts shall be equally divided into four classes,
and numbered by lot. At the end of one year after the general
election, the six members elected by the first division shall be
displaced, and the vacancies thereby occasioned supplied from
such class or division, by new election, in the manner aforesaid.

This rotation shall be applied to each division, according to its
number, and continued in due order annually.

7. THAT the right of suffrage in the election of members of
both Houses shall remain as exercised at present, and each
House shall choose its own Speaker, appoint its own officers,
settle its own rules of proceeding, and direct writs of election
for supplying intermediate vacancies.

8. ALL laws shall originate in the House of Delegates, to be
approved or rejected by the Senate, or to be amended with the
consent of the House of Delegates, except money bills, which
in no instance shall be altered by the Senate, but wholly ap-
proved or rejected.

9. A GOVERNOR, or Chief Magistrate, shall be chosen annu-
ally, by joint ballot of both Houses, to be taken in each House
respectively, deposited in the conference room, the boxes ex-
amined jointly by a Committee of each House, and the num-
bers severally reported to them, that the appointments may be
entered; (which shall be the mode of taking the joint ballot of
both Houses in all cases;) who shall not continue in that office
longer than three years successively, nor be eligible until the
expiration of four years after he shall have been out of that
office. An adequate, but moderate salary, shall be settled on
him during his continuance in office; and he shall, with the
advice of a Council of State, exercise the executive powers of
government according to the laws of this commonwealth; and
shall not, under any pretence, exercise any power or preroga-
tive by virtue of any law, statute, or custom, of *England*: But
he shall, with the advice of the Council of State, have the
power of granting reprieves or pardons, except where the pro-
secution shall have been carried on by the House of Delegates,
or the law shall otherwise particularly direct; in which cases,
no reprieve or pardon shall be granted, but by resolve of the
House of Delegates.

10. EITHER House of the General Assembly may adjourn
themselves respectively. The Governor shall not prorogue or
adjourn the Assembly during their sitting, nor dissolve them
at any time; but he shall, if necessary, either by advice of the
Council of State, or on application of a majority of the House
of Delegates, call them before the time to which they shall stand
prorogued or adjourned.

11. A PRIVY Council or Council of State, consisting of eight
members, shall be chosen by joint ballot of both Houses of As-
sembly, either from their own members or the people at large,
to assist in the administration of government. They shall an-
nually choose out of their own members a President, who, in
case of the death, inability, or necessary absence of the Gover-
nor from the government, shall act as Lieutenant Governor.
Four members shall be sufficient to act, and their advice and
proceedings shall be entered of record, and signed by the mem-
bers present (to any part whereof any member may enter his
dissent) to be laid before the General Assembly, when called
for by them. This Council may appoint their own clerk, who
shall have a salary settled by law, and take an oath of secrecy
in such matters as he shall be directed by the Board to conceal.
A sum of money appropriated to that purpose shall be divided

A. D. 1776.
A. R. C. I.

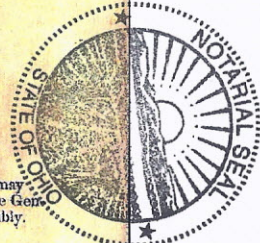
Right of suffrage:
each House may
choose its Speaker
and officers, and
issue writs for sup-
plying vacancies.

Laws shall origi-
nate in the House
of Delegates; but,
if not money bills,
amendable by the
Senate.

Governor, how
chosen, method of
balloting in this
and other cases;
his salary and pow-
ers; restrained
from granting re-
prieves or pardons
in certain cases.

When he may
prorogue or con-
voke the Gen-
eral Assembly.

Privy Council,
number of; their
duty, power, and
term of office.



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annually among the members, in proportion to their attendance; and they shall be incapable during their continuance in office, of sitting in either House of Assembly. Two members shall be removed by joint ballot of both Houses of Assembly at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

Delegates to Congress, how chosen.

12. THE Delegates for *Virginia* to the Continental Congress shall be chosen annually, or superseded in the mean time by joint ballot of both Houses of Assembly.

Military regulations.

13. THE present militia officers shall be continued, and vacancies supplied by appointment of the Governor, with the advice of the Privy Council, or recommendations from the respective County Courts; but the Governor and Council shall have a power of suspending any officer, and ordering a court-martial on complaint of misbehaviour or inability, or to supply vacancies of officers happening when in actual service. The Governor may embody the militia, with the advice of the Privy Council, and when embodied, shall alone have the direction of the militia under the laws of the country.

Courts of Appeals, General, of Chancery, and Admiralty, judges of; Secretary, and Attorney General, how appointed; salaries of; excluded with some others, from the Legislative and Executive.

14. THE two Houses of Assembly shall, by joint ballot, appoint judges of the Supreme Court of Appeals, and General Court, Judges in Chancery, Judges of Admiralty, Secretary, and the Attorney General, to be commissioned by the Governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the Governor, with the advice of the Privy Council, shall appoint persons to succeed in office, to be approved or displaced by both Houses. These officers shall have fixed and adequate salaries, and, together with all others holding lucrative offices, and all Ministers of the Gospel of every denomination, be incapable of being elected members of either House of Assembly, or the Privy Council.

Counties, Justices of, how appointed; shall appoint their clerks, recommend sheriffs and coroners to be commissioned by Executive; and appoint constables.

15. THE Governor, with the advice of the Privy Council, shall appoint Justices of the Peace for the counties; and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective County Courts. The present acting Secretary in *Virginia*, and clerks of all the County Courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a Secretary shall be appointed as before directed, and the clerks by the respective courts. The present and future clerks shall hold their offices during good behaviour, to be judged of and determined in the General Court. The Sheriffs and Coroners shall be nominated by the respective courts, approved by the Governor, with the advice of the Privy Council, and commissioned by the Governor. The Justices shall appoint constables, and all fees of the aforementioned officers be regulated by law.

16. THE Governor, when he is out of office, and others offending against the state, either by mal-administration, corruption, or other means by which the safety of the state may be endangered, shall be impeachable by the House of Delegates. Such impeachment to be prosecuted by the Attorney General, or such other person or persons as the House may appoint, in

Impeachments.

A. D. 1776.
A. R. C. 1.

the General Court, according to the laws of the land. If found guilty, he or they shall be either for ever disabled to hold any office under government, or removed from such office *pro tempore*, or subjected to such pains or penalties as the law shall direct.

17. If all, or any of the Judges of the General Court, shall, on good grounds (to be judged of by the House of Delegates) be accused of any of the crimes or offences before-mentioned, such House of Delegates may, in like manner, impeach the Judge or Judges so accused, to be prosecuted in the Court of Appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

18. COMMISSIONS and grants shall run *In the name of the Commonwealth of VIRGINIA*, and bear test by the Governor, grants and writs, with the seal of the Commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several courts. Indictments shall conclude, *Against the peace and dignity of the Commonwealth*.

19. A TREASURER shall be appointed annually, by joint ballot of both Houses.

20. ALL escheats, penalties, and forfeitures, heretofore going to the King, shall go to the Commonwealth, save only such as the Legislature may abolish, or otherwise provide for.

21. THE territories contained within the charters erecting the colonies of *Maryland, Pennsylvania, North and South-Carolina*, are hereby ceded, released, and for ever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever which might at any time heretofore have been claimed by *Virginia*, except the free navigation and use of the rivers *Potomac* and *Pohomoke*, with the property of the *Virginia* shores or strands bordering on either of the said rivers, and all improvements which have been or shall be made thereon. The western and northern extent of *Virginia* shall in all other respects stand as fixed by the charter of King *James* the first, in the year one thousand six hundred and nine, and by the public treaty of peace between the Courts of *Great-Britain* and *France*, in the year one thousand seven hundred and sixty-three; unless, by act of Legislature, one or more territories shall hereafter be laid off, and governments established westward of the *Allegheny* mountains. And no purchase of lands shall be made of the *Indian* natives, but on behalf of the public, by authority of the General Assembly.*

No purchases from Indian natives, but for republic.

* The territory of *Virginia*, granted by the charters of King *James* I., was very extensive; see charters of April 10, 1606, § 4. Of May 23, 1609, § 6. Of March 12, 1611-12, § 4. 1 *Ben. st. at large*, p. 53, 88, 100. The first charter authorized a company to plant a colony in *Virginia* or *America*, any where between 34° and 41° N. latitude; and granted for that purpose, all the territory, extending from the first seat of the plantation, 50 English statute miles to the West and S. West, and 50 miles to the East and N. East or North, along the sea coast, and running back from that line of coast, 100 miles into the main land, with the islands opposite to and within 100 miles of the coast. Under this charter, the colony of *Virginia* was planted. The second charter granted the *Virginia* company, a much larger territory, extending from [old] Point Comfort, 200 miles to the South, and 200 miles to the North, along the Atlantic coast, and thence, a breadth of 400 miles, to the West and North West, quite through the continent, to the coast of the Pacific, with all the islands opposite to and within 100 miles of both coasts.



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22. In order to introduce this government, the representatives of the people met in Convention shall choose a Governor and Privy Council, also such other officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate to be first chosen by the people, to continue until the last day of March next, and the other officers until the end of the succeeding session of Assembly. In case of vacancies, the Speaker of either House shall issue writs for new elections.*

And the third granted the company, the islands within 300 leagues of both coasts. The extensive territory granted by these charters, was reduced before the revolution, by the charters granted to other colonies, and by the treaty of 1763, between France and Great-Britain, referred to in this article of the constitution; and, since the revolution, by the cession of the territory N. West of the Ohio to the United States, and the erection of Kentucky into a separate state. The boundaries of Virginia have also been adjusted on all sides; see *post*, c. 5. 15. 16. 17. 18. 19. 20. 21.

* As to the form of the Colonial government, for which this constitution was substituted, see 1 *Chart.* § 7. 8. 15. 1 *Hen. st. at lar.* p. 60, 1. 4. *Royal instructions for the government of the Colony.* *Ibid.* p. 67. 75. 2 *Chart.* § 8. 9. 10. 11. 12. 13. 14. 15. 23. *Ibid.* p. 80, 90, 1. 2. 5. 3 *Chart.* § 6. 7. 8. *Ibid.* p. 102, 3.—By the 14th Section of the second charter and the 8th of the third, the power of establishing a form of government and magistracy for the Colony, was vested in the council and general court of the Virginia company in England; which, on the 24th July, 1621, ordained a form of government accordingly; whereby the powers of the Colonial government were vested in a governor and council of state, appointed by the company in England and holding during its pleasure, and a house of burgesses, two from every town, hundred and particular plantation, to be respectively chosen by the inhabitants; and this council of state and house of burgesses formed the Colonial legislature, called the General Assembly. The Colonial government was directed to conform, in legislation and jurisprudence, to the English government and laws; and it was provided, that no law or ordinance made by the General Assembly, should be valid, unless ratified by the general court of the company in England, and returned so ratified under its seal. See this Constitution, and the commission and instructions to the first governor under it, 1 *Hen. st. at lar.* p. 110. 113. 114. In 1624, the crown suppressed the Virginia company by proclamation, and resumed the powers granted to the company; but the form of government it had given the Colony, remained in substance unchanged. It appears, that the constitution of the colonial government was amended by George I. and instructions were given by George II. to the governor Lord Allenmarle, for the regulation of the government according to the amended constitution; but these papers are not to be found. The King always retained the control over the colonial laws, and even exercised the power of suspending and repealing them; powers, often exercised capriciously, always complained of as a grievance, sometimes disputed, and at length assigned as one of the causes of the revolution; see 5 *Hen. st. at lar.* 432. This royal prerogative had a most important influence on the legislation of the Colonial government. Counties or shires were first established in 1634. 1 *Hen. st. at lar.* p. 224. It seems from our ancient records, that at first, in practice, neither the towns, hundreds and plantations, while they were represented, nor the counties, after the burgesses were elected from them, were restricted to two or any fixed number of burgesses. In 1645, the number was limited to four for each county, except James City, which was allowed five, besides one for Jamestown, the seat of government; 1 *Hen. st. at lar.* p. 299. Afterwards, particular parishes, and then all parishes, were allowed to send one or two burgesses; *Ibid.* 250. 277. 421. In 1660, the number of burgesses was limited to two for each county and one for Jamestown in James City county, with like privilege to every county, that would lay out 100 acres of land, and people it with 100 tytheable persons; 2 *Ibid.* p. 20. 106.—The 7th article of the present constitution, provides that the right of suffrage for members of both houses of Assembly, shall remain as exercised at present. By the constitution of July 1621, above cited, the right of suffrage was given to the inhabitants; afterwards, it seems, only freemen were allowed to vote; 1 *Ibid.* p. 338, 4. then only housekeepers; *Ibid.* p. 412. then all freemen again, *Ibid.* p. 403. 475. then "freholders and housekeepers, who only are answerable for taxes;" 2 *Ibid.* 280. then, by Bacon's laws, all freemen again; *Ibid.* 356. But 1677, the King instructed the Governor, that the members of Assembly should be elected by freholders only; *Ibid.* p. 425. In 1684, it was resolved, that all tenants for life had an undoubted right of suffrage; 3 *Ibid.* 26. In 1699, the right

C. 5.

A. D. 1783.
A. R. C. 8.

An act to authorise the Delegates of this State in Congress, to convey to the United States in Congress assembled, all the Right of this Commonwealth to the Territory North Westward of the River Ohio.

[Passed December 20, 1783.]

1. WHEREAS the Congress of the United States did, by their Preamble, act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the Western Country, a liberal cession to the United States, of a portion of their respective claims for the common benefit of the Union:

2. AND whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which the said Commonwealth had to the territory North-west of the river Ohio, subject to the conditions annexed to the said act of cession:

3. AND whereas the United States in Congress assembled, have, by their Act of the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this State, should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence that Congress will, in justice to this State for the liberal cession she hath made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory,

of suffrage was confined to freeholders (excluding women, infants, and recusants convict) resident in the respective counties and towns; *Ibid.* p. 238. In 1735, the right of suffrage was confined to freeholders of an hundred acres of unsettled land or twenty-five acres of improved land, and all freeholders in towns, but with a right to vote, only in the county where the land or the greater part of it lay; 4 *Ibid.* 473, 6. The city of Williamsburg and the borough of Norfolk were allowed a representative, by their charters, by which the right of suffrage of the citizens and burghers was regulated, but afterwards somewhat narrowed by law; *Edi.* 1769. p. 122. 287. It seems, that till 1723, free negroes, indians, and mulattoes, might vote at elections; but by the acts of that year, c. 4. § 23. *Edi.* 1733. p. 344, they were disqualified; and that particular section of the act was not repealed, though the rest of it was by royal proclamation in 1724. *Edi.* 1769. p. 13. note (a). *Edi.* 1752. p. 103. By the act of 1769. c. 1, the quantity of unimproved land, necessary to qualify a freeholder to vote, was reduced to fifty acres; but this act was suspended until the royal approbation should be signified, and such approbation was never signified. The ordinance of the convention of 1775, providing for the election of delegates to the convention of 1776, extended the right of suffrage to free white men, inhabitants of Fineastle and West Augusta, in possession of the requisite quantity of land, and claiming freeholds therein, though they should have obtained no patents or legal titles to their lands.—Thus stood the right of suffrage when the constitution was adopted. By the act of 1785, c. 55. § 2. the qualification of the freeholder in respect to the quantity of unimproved land was reduced from 100 to 50 acres; the legislature either regarding the act of 1769, as effectual, notwithstanding the want of the royal assent; or, perhaps, considering that while the principle of freehold qualification was preserved, a change as to the quantity of land was consistent with the constitution.



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A. D. 1788.
A. R. C. 8.

Delegates empow-
ered to convey.

Conditions.

Reservations.

the propriety of making cessions equally liberal for the common benefit and support of the Union: *Be it enacted by the General Assembly*, that it shall and may be lawful for the Delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said Delegates, or such of them so assembled, are hereby fully authorised and empowered, for and on behalf of this State, by proper deed or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the *Virginia* charter, situate, lying, and being to the North-west of the river *Ohio*, subject to the terms and conditions contained in the before recited Act of Congress of the thirteenth day of *September* last, that is to say: Upon condition that the territory so ceded shall be laid out and formed into States, containing suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed, shall be distinct Republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States; that the necessary and reasonable expenses incurred by this State in subduing any *British* posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United States; and that one Commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two Commissioners, who, or a majority of them, shall be authorised and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the Act of Congress of the tenth of *October*, one thousand seven hundred and eighty, respecting such expenses. That the *French* and *Canadian* inhabitants, and other settlers of the *Kaskaskies*, *St. Vincents*, and the neighbouring villages, who have professed themselves citizens of *Virginia*, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General *George Rogers Clarke*, and to the officers and soldiers of his regiment, who marched with him when the posts of *Kaskaskies* and *St. Vincents* were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which is not to exceed double the breadth, in such place on the North-west side of the *Ohio* as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion according to the laws of *Virginia*. That in case the quantity of good lands on the South-east side of the *Ohio*, upon the waters of *Cumberland* river, and between the *Green* river and *Tennessee* river, which have been reserved by

A. D. 1788.
A. R. C. 8.

law for the *Virginia* troops upon Continental establishment, should, from the *North-Carolina* line bearing in further upon the *Cumberland* lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers *Scioto* and *Little Miami*, on the North-west side of the river *Ohio*, in such proportions as have been engaged to them by the laws of *Virginia*. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the *American* army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Federal Alliance of the said States, *Virginia* inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever. *Provided*, that the trust hereby reposed in the Delegates of this State shall not be executed, unless three of them, at least, are present in Congress.

All the lands ceded to be a common fund for the members of the federal alliance, and for no other use.

Three members at least to execute the trust.

C. 6.

An act concerning the Territory ceded by this Commonwealth to the United States.

A. D. 1788.
A. R. C. 14.

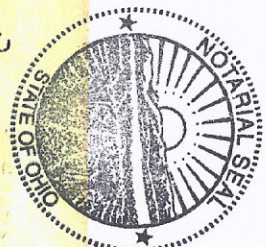
[Passed December 30, 1788.]

1. WHEREAS the United States in Congress assembled, did, Preamble. on the seventh day of *July*, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, shewing that a division of the Territory which hath been ceded to the said United States by this Commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the Act of cession, so far as to empower Congress to make such a division of the said Territory into distinct and republican States, not more than five, nor less than three in number, as the situation of that country and future circumstances might require: And the said United States in Congress assembled, have, in an ordinance for the government of the Territory North-west of the river *Ohio*, passed on the thirteenth of *July*, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States, and the People and States in the said Territory, viz.

That there shall be formed in the said Territory not less than three, nor more than five States; and the boundaries of the said States as soon as *Virginia* shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The *Western* State in the said Territory,

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shall be bounded by the Mississippi, the Ohio, and Wabash rivers, a direct line drawn from the Wabash and Post Vincent's due North to the territorial line, between the United States and Canada, and by the said territorial line to the Lake of the Wood and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio, by the Ohio, by a direct line drawn due North from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line. Provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies North of an East and West line, drawn through the Southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent Constitution and state Government, provided the Constitution and Government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

And it is expedient that this Commonwealth do assent to the proposed alteration so as to ratify and confirm the said Article of Compact between the original States, and the People and States in the said Territory:

An article of the compact between the United States and the people and states North West of the Ohio, ratified by this Commonwealth.

2. BE it therefore enacted by the General Assembly, That the afore-recited Article of Compact between the original States, and the People and States in the Territory North-west of Ohio river, be, and the same is hereby ratified and confirmed, any thing to the contrary, in the deed of cession of the said Territory by this Commonwealth to the United States, notwithstanding.

C. 7.

A. D. 1813. A.
A. R. C. 37.

An act, authorising the Executive to appoint Commissioners, to unite with Commissioners on the part of the United States, in running a line between the lands reserved, and the lands ceded, by this Commonwealth, in the State of Ohio.

[Passed February 22, 1813.]

WHEREAS it appears to this General Assembly, that the Preamble: commissioners appointed, to act in conjunction with commissioners appointed on the part of the United States; to ascertain the true boundary line between the lands reserved by this Commonwealth for the benefit of the officers and soldiers of the state of Virginia, did, agreeably to the appointment of the President of the United States, meet, at Xenia, in the state of Ohio, on the twenty-sixth of October last, and commenced the performance of the duties assigned to them, but, differing in opinion as to the true line between the lands ceded to the general government and those reserved by this State, did not accomplish the object of their appointment: And whereas it is important, as well to this State as to the United States, that a line be run, separating the lands reserved by this State from the territory ceded to the United States by the deed of cession, executed the first day of March, seventeen hundred and eighty four:

1. BE it therefore enacted, That the Executive of this State commence a correspondence with the Executive of the United States, in order to effect the appointment of other commissioners, or the adoption of some other mode for the completion of the objects of this legislature, in relation to the permanent establishment of a line between the lands reserved by this Commonwealth for the benefit of the officers and soldiers of the Virginia line, and lying between the river Sciota and the Miami, in the state of Ohio, and the other lands ceded by this Commonwealth to the United States by deed bearing date the first of March, seventeen hundred and eighty four; and that, in the event of the consent on the part of the Executive of the United States to the appointment of other commissioners for the purposes aforesaid, that the Governor of this Commonwealth be, and he is hereby empowered, by and with the advice of the council, to appoint an equal number of commissioners on the part of this State, who, or any two of whom, acting in conjunction with an equal number of the commissioners so appointed on the part of the United States, shall ascertain and run the true line, and distinguish, clearly, throughout the whole course of said line, the lands reserved as aforesaid from the other lands ceded as aforesaid, according to the true intent and meaning of the said cession. And the better to enable the commissioners aforesaid to discharge the duties hereby assigned to them, the Governor, by and with the advice of the council, is authorised to appoint a surveyor to aid them in running said line, who shall be entitled to the same compensation, and take the same oaths, as a commissioner.

Correspondence to be commenced by executive, to effect appointment of commissioners.

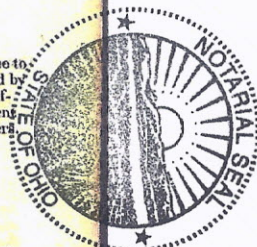
In what event such appointment is to be made.

Number of commissioners.

Their duty.

Surveyor to be appointed to assist them.

His compensation.



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A. D. 1813.
A. R. C. 37.
When line run by
the Commission-
ers is to be con-
sidered as estab-
lished.

Previso.

Compensation to
commissioners.

Oath to be taken.

Commencement.

2. *BE it further enacted*, That the line, which may be run by the commissioners, appointed by virtue of this act, and the commissioners acting on the part of the United States, shall be considered hereafter as the true line between the lands reserved as aforesaid, and the lands ceded as aforesaid, unless the legislature of this Commonwealth shall, during its first or second session after the report of the said commissioners shall have been made to the Executive, disapprove the same: *Provided, however*, that nothing in this section contained shall be obligatory, unless the act of congress, under which the commissioners of the United States may be appointed, shall contain a provision to the same effect.

3. *BE it further enacted*, That the commissioners who may be appointed by virtue of this act shall be entitled to sixteen cents for every mile they may necessarily travel from their respective places of abode to the point at which the said line shall commence, and the sum of six dollars per diem during the time for which they may be actually engaged in running the said line.

4. *AND be it further enacted*, That each commissioner who may be appointed by virtue of this act, shall take and subscribe an oath, before the governor and council or before the court of the county in which he resides, to be certified by the clerk of the court to the governor and council, that he will, honestly, impartially and diligently perform the duty prescribed by this act.

5. *THIS act shall be in force from the passing thereof.*

C. 8.

A. D. 1789.
A. R. C. 14.

An act for the cession of ten miles square, or any lesser quantity of territory within this State, to the United States, in Congress assembled, for the permanent seat of the general government.

[Passed December 3, 1789.]

Preamble.

1. WHEREAS the equal and common benefits resulting from the administration of the general government will be best diffused, and its operations become more prompt and certain, by establishing such a situation for the seat of the said government, as will be most central and convenient to the citizens of the United States at large, having regard as well to population, extent of territory, and a free navigation to the Atlantic Ocean, through the Chesapeake bay, as to the most direct and ready communication with our fellow-citizens in the western frontier: and whereas it appears to this assembly, that a situation combining all the considerations and advantages before recited, may be had on the banks of the river Potomack, above tide water, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessities

and conveniences of life, where in a location of ten miles square, if the wisdom of Congress shall so direct, the States of Pennsylvania, Maryland and Virginia may participate in such location:

A. D. 1789.
A. R. C. 14.

2. *BE it therefore enacted by the General Assembly*, That a Tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by Law direct, shall be, and the same is hereby for ever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction as well of soil, as of persons, residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States.

3. *PROVIDED*, That nothing herein contained, shall be construed to vest in the United States, any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.

4. *AND provided also*, That the jurisdiction of the laws of this Commonwealth, over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine, until congress, having accepted the said cession, shall by law provide for the government thereof, under their jurisdiction, in manner provided by the article of the constitution before recited.

C. 9.

An act to empower the President of the United States to purchase a tract of land within this State, for the purpose of erecting a Public Arsenal thereon.

A. D. 1794.
A. R. C. 19.

[Passed November 28, 1794.]

1. *BE it enacted by the General Assembly of the Commonwealth of Virginia*, That it shall and may be lawful for the President of the United States, or any person by him appointed for that purpose, to purchase within the limits of this State a quantity of land, not exceeding six hundred and forty acres, for the use of the United States, for the purpose of erecting a magazine and arsenal thereon.

2. *THIS act to commence and be in force from and after the Commencement passing thereof.*



ROSANNA L. MILLER
Notary Public
for the State of Ohio
My Commission Expires
January 23, 2011

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